IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA

Dan Abelmann and the Estate of Leanne	
Abelmann, as successor-in-interest to Leanne)
Abelmann, deceased,)
Plaintiffs and Counterclaim Defendants, v.	ORDER FOR DISMISSAL AND ENTRY OF FINAL JUDGMENT OF CERTAIN CLAIMS; ORDER GRANTING LEAVE TO FILE AMENDED PLEADINGS
Smart Lease USA, L.L.C.,)
Defendant, Counterclaimant and Third-Party Plaintiff,)))
Executive Housing Solutions, LLC; Ray Wurth, Don Gibson, and Richard Church a/k/a Chad Church, d/b/a Executive Housing Solutions, LLC; Ray Wurth, Don Gibson, Richard Church a/k/a Chad Church,)) Case No. 4:14-cv-040)
Third-Party Defendants.))

On January 25, 2021, Smart Lease USA, LLC ("Smart Lease") filed a Motion for Dismissal of the Abelmann's Claims and Smart Lease's Counterclaims and for Leave to Allow Smart Lease to File its First Amended Complaint. (Doc. Nos. 241 and 244). The parties also filed a Stipulation for Dismissal of the Abelmann's Claims and Smart Lease's Counterclaims and for Leave to Allow Smart Lease to File its First Amended Complaint. (Doc. No. 243).

The court **ADOPTS** the parties' stipulation (Doc. No. 243), **GRANTS** Smart Lease's motion (Doc. Nos. 241 and 244), and **ORDERS**:

Plaintiffs and Counterclaim Defendants Dan Abelmann and the Estate of Leanne
 Abelmann, as successor-in-interest to Leanne Abelmann, deceased ("Abelmanns")

claims against Smart Lease in are **DISMISSED** with prejudice and without costs,

disbursements, or attorney's fees to any party.

2. Smart Lease's counterclaims against the Abelmans are **DISMISSED** with prejudice

and without costs, disbursements, or attorney's fees to any party.

3. The court concludes based on the referenced Stipulation there is no just reason for

delay in the dismissal of the claims referenced in 1 and 2 above becoming final and,

pursuant to Fed. R. Civ. P. 54(b) directs the clerk to enter a final judgment of

dismissal of those claims.

4. Smart Lease shall have until February 1, 2021, to file its First Amended Complaint.

The allegations of the First Amended Complaint shall relate back to May 20, 2016,

the date on which the Court entered its order allowing Smart Lease to bring an action

against Executive Housing Solutions, LLC, Ray Wurth and Don Gibson d/b/a

Executive Housing Solutions, LLC, Ray Wurth, and Don Gibson. (Doc. No.

66).

5. Third Party Defendants Executive Housing Solutions, LLC, Ray Wurth and Don

Gibson d/b/a Executive Housing Solutions, LLC, Ray Wurth, and Don Gibson as

Defendants shall have 21 days to file an Answer to the First Amended Complaint.

Dated this 27th day of January, 2021.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge

United States District Court

2